

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, )  
et al )  
 )  
v. ) C.A. No. 00-105L  
 )  
THE PALESTINIAN AUTHORITY, )  
et al )  
 )  
 )

**NOTICE OF APPEAL OF DEFENDANTS PALESTINIAN AUTHORITY  
AND PALESTINE LIBERATION ORGANIZATION**

Please take notice that the defendants Palestinian Authority and Palestine Liberation Organization appeal to the United States District Court for the District of Rhode Island from the Order of Magistrate Judge David L. Martin of the United States District Court for the District of Rhode Island entered in this case on May 27, 2003 denying defendants' motion for a protective order against depositions noticed by plaintiffs of President Arafat and six other Palestinian leaders, Razi Jabali, Jibril Rajoub, Muhammed Dahlan, Amin Al-Hindi, Tawfik Tirawi, and Marwan Barghouti, and from each numbered paragraph of said order; said order pertains to nondispositive pre-trial matters appealable under Rule 32(b)(2) of the Local Rules of this Court; upon information and belief a transcript of the proceedings thereon, a hearing conducted before Magistrate Judge Martin on May 14, 2003, has been ordered and prepared.

A Memorandum is filed herewith.

A handwritten signature, possibly "LJH", is enclosed in a circle.

Respectfully submitted,

Dated: June 10, 2003

Deming E. Sherman

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 10th day of June, 2003, I faxed and mailed a copy of the within Notice of Appeal to David J. Strachman, Esq., Skolnik, McIntyre, Tate, Lynch and Holt, Suite 400, 321 South Main Street, Providence, RI 02903.

Deming E. Sherman

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR, )  
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**MEMORANDUM IN SUPPORT OF  
APPEAL OF DEFENDANTS PALESTINIAN AUTHORITY  
AND PALESTINE LIBERATION ORGANIZATION**

The defendants Palestinian Authority and Palestine Liberation Organization appeal to the United States District Court for the District of Rhode Island from the Order of Magistrate Judge David L. Martin of the United States District Court for the District of Rhode Island entered in this case on May 27, 2003 denying defendants' motion for a protective order against depositions noticed by plaintiffs of President Arafat and six other Palestinian leaders, Razi Jabali, Jibril Rajoub, Muhammed Dahlan, Amin Al-Hindi, Tawfik Tirawi, and Marwan Barghouti, and from each numbered paragraph of said Order. The Order pertains to nondispositive pre-trial matters appealable under Rule 32(b)(2) of the Local Rules of this Court. Upon information and belief a transcript of the proceedings thereon, a hearing conducted before Magistrate Judge Martin on May 14, 2003, has been ordered and prepared. A copy of the Order appealed from is attached hereto as Exhibit A.

The basis for defendants' objection to the order is as follows.

1. The notices issued by plaintiffs to take the depositions of President Arafat and six other Palestinian leaders are unreasonable and impossible of performance on their face, in that,

among other things, the notices provided for the depositions to take place before a notary public in the United States.

2. These deponents, as plaintiffs well know cannot travel to the United States. It is a matter of public knowledge which should be judicially noticed that President Arafat has been kept a virtual prisoner in his offices in Ramallah in the occupied Palestinian territory of the West Bank for over a year by military force being directed by Israeli Prime Minister Ariel Sharon, and that one other proposed deponent Marwan Barghouti has actually been imprisoned by Israel and is on trial on criminal charges in an Israeli court, whose authority and jurisdiction he denies as well as the charges against him.

3. There is ample reason to believe, based on public statements of Mr. Sharon and other Israeli officials that if President Arafat went to the United States, Israeli authorities would not permit him to return to the occupied Palestinian territories.

4. As a practical matter, it is neither reasonable nor feasible for any of the other deponents to leave their responsibilities and duties and travel to be deposed in the United States.

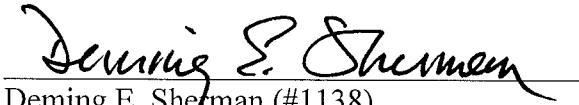
5. In addition to objecting to issuance of a protective order, plaintiffs have moved for entry of a default judgment against defendants based on alleged non-compliance with the notices of deposition. Magistrate Judge Martin held a hearing on this motion and one other, and entered an Order on May 14, 2003, continuing the hearing. Defendants have filed an appeal from the May 14 Order. The appeal is based in part on the principle to which defendants have consistently adhered in this action: that there should be no discovery against defendants before there is a final determination of defendants' right to immunity. The appeal is also based

in part on the unreasonableness of the notices of depositions and their impossibility of performance and on other grounds. Defendants incorporate by reference as part of their present appeal their memorandum in support of this appeal from Magistrate Judge Martin's order of May 14, 2003, and request that the arguments advanced by defendants there be considered in support of this appeal.

6. On this appeal, the May 27, 2003 Order denying defendants' motion for a protective order should be vacated and the motion granted.

Respectfully submitted,

Dated: June 10, 2003

  
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